



CALPEEK

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35th S.D. SPECIAL: FERGUSON PLAYS HARDBALL.

Editor's note: With another two weeks to go before the Mar. 14 special, former Assemblyman Gil Ferguson(R-Newport Beach) is in a take-no-prisoners mode as he goes after Assemblyman Ross Johnson(R-Irvine). Here's a brief update...

...As noted in last week's CALPEEK, Johnson has a problem. In order to run in the 35th S.D. special, Johnson had to re-register in Irvine, which he did on Jan. 20. Thus he's no longer living in the 72nd A.D., where he was elected last November. And that's why there's a recall drive against Johnson...

...And this is the point that Ferguson has made in a 3-page Feb. 19th letter to Sec. of State Bill Jones(R), demanding that Johnson's 72nd A.D. seat be declared *vacant*. And Ferguson notes that Johnson's new address is part of the 70th A.D. --- which already has a representative in the Assembly, Marilyn Brewer. But as Ferguson notes, Article IV, Sec. 2(b) on residency is somewhat fuzzy as to whether a lawmaker must live in the district once in office. Nevertheless, Ferguson says that requirement is *implied*...

...Ferguson's letter, with CCs to Gov. Pete Wilson, AG Dan Lungren, CA Sup. Court Chief Justice Malcolm Lucas, Speaker Willie Brown and GOP Leader Jim Brulte, really puts Jones in a difficult position because Ferguson is probably correct and he even notes in the letter that Speaker Brown is aware of all these facts and has not acted --- thus putting even more pressure on Jones to do something or look impotent...

...And of course all this battling between Ferguson and Johnson is *excellent news* for Assemblywoman Doris Allen(R-Cypress), the other major contender. One CALPEEK source even spoke with a Johnson loyalist, who admitted Allen had a *good shot at winning* be-

cause of the ongoing Ferguson/Johnson feud...

...FYI: Johnson was officially served with recall papers at the Feb. 20th candidates' forum by recall organizer Barbara Marr. The Orange Co. Registrar reports that as of 2/22, there were about 25,000 applications for absentee ballots. Stay tuned...

CCRI UPDATE: SEN. KOPP INTRODUCES SCA 10 WHILE DEMOS PONDER AFFIRMATIVE ACTION...

Editor's note: While CA Civil Rights Initiative(CCRI) co-authors Glynn Custred & Thomas Wood continue to talk up their proposed 1996 initiative, Calif. Demos are engaged in a hand-wringing debate about what to do with CCRI. Here is our update & analysis...

...First the news. State Sen. Quentin Kopp(I-S.F.) has introduced SCA 10, a constitutional amendment which mirrors the wording contained in the Custred & Wood proposal. CALPEEK sources confirm that Demo Senate Leader Bill Lockyer discussed this legislation with Kopp before its introduction and in fact *encouraged* Kopp to go forward. Kopp believes he has the 27 votes in the State Senate needed for approval, but is *concerned* about the State Assembly...

...GOP Assemblyman Bernie Richter of Chico introduced ACA 2 in the lower House some time ago. Like SCA 10, it mirrors the Custred/Wood proposal. But counting 54 votes in the Assembly is more difficult. But some CALPEEK sources predict there will be 13-15 Demos willing to join 40 GOPers and defy Speaker Willie Brown, who is adamant in his opposition to CCRI. For those who read between the lines, it appears that Lockyer and Brown are on a collision course. Who wins? Insiders are betting on Lockyer, but not with their first born...

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...Without going into the long explanation, CCRI ends *affirmative action* in public employment, education and public contracting...

...As for Calif. Democrats, many are scared to death about the potential impact CCRI could have in 1996. Demos fall into 4 groups on CCRI: 1) those opposed; 2) those in favor but are afraid to say so; 3) those who want CCRI to disappear; and 4) those who favor putting CCRI on the March '96 ballot, where it won't be as detrimental to Demo candidates. Why are Demos so worried about CCRI? Affirmative action has been seen as helping minorities and women, but at the same time has alienated white men. It's this last group which fled the Demo Party in mass in 1994...

...FYI: There is a possibility that the entire question of affirmative action could be moot. The U.S. Supreme Court now has an affirmative action case before it from Colorado. It's called Adarand Construction Co. vs. Pena (Sec. of Trans.). Stay tuned...

CALPEEK's INFOBAHN: POLITICAL SHORT TAKES.

Editor's note: Here are a few political items worth noting...

● **The Machado Recall** - It's for real, but does it have legs? The first batch of petitions aimed at recalling Assemblyman Michael Machado (D-Linden) in the 17th A.D. were mailed recently and now Machado has responded with a mailer of his own and more are on the way. Why the recall? It started during the Speakership War, when some GOP lawmakers threatened recalls against Demos in marginal districts. In the GOP Assembly Caucus this past week, Leader Jim Brulte allowed Larry Bowler to address the caucus on the Machado recall and to make a pitch for funding. That's something new, because up until this point GOP sources have said that this recall (as well as potential recalls against other Demos) did not involve the GOP Assembly Caucus. If this Machado effort results in a recall election, will Demos retaliate in kind???

● **Horcher Recall Update** - Money is not one of the problems facing independent Assemblyman Paul Horcher of Diamond Bar. His late January fundraiser in Sacto brought in \$160-Gs, and very recently he pulled in another \$100-Gs at a San Francisco event hosted by S.F. Assessor Doris Ward. On the other hand, money

problems *continue to plague* the recall advocates. Sources say the recall drive is anywhere from \$55,000- to-\$80,000 in the red. And GOP sources in the 60th A.D. where the recall is taking place are wondering what has happened to the \$40,000-\$50,000 that the Calif. Republican Party supposedly took in from a major anti-Horcher fundraising letter...

● **CRP Convention** - Not much in the way of real excitement expected at the CA Republican Party's convention in Sacto Feb. 24-26. Current vice chair John Herrington is running *unopposed* for party's top post. And there's not going to be a presidential *straw poll*, although GOP presidential politics will surely be talked about. Gov. Pete Wilson will address delegates and sources confirm U.S. Sen. Phil Gramm (R-TX) will show up on Feb. 26, the final stop in his 6-State presidential announcement tour. CALPEEK will provide a complete list of new CRP officers in our next issue. Stay tuned...

U.S. REP. GARY CONDIT CO-CHAIRS THE COALITION.

Editor's note: On Feb. 14th, moderate and conservative Demos in the U.S. House formed a new organization called *The Coalition*. Here's our brief report...

...This new group is co-chaired by U.S. Reps. Gary Condit (D-Calif.), Billy Tauzin (D-Louisiana) and Nathan Deal (D-Georgia). Condit, for those with short memories, jumped from the CA Assembly (where he was a member of the "Gang of Five") to the House in a 1989 special when Tony Coelho quit in mid-term. He's the most conservative of CA's House Demos and often sides with the GOP. Although popular within his district, insiders generally regard him as a *backbencher*...

...Back to The Coalition. The group has 23 Demos (including 2 women members) but hopes to attract more Demos, as well as moderate GOP House members. The Coalition says its objective is to come up with a middle course when both liberal Demos and conservative Republicans are deadlocked...

...While being independent of the leadership of both parties in the House may sound good on paper, in reality some sources view The Coalition as a direct threat to Demo House Leader Richard Gephardt. Others disagree and point to The Coalition's stand on the Balanced Budget Amendment (BBA). While most Coalition members have generally supported the GOP

"Contract," they helped defeat the GOP Contract version of BBA (which contained a super majority vote for tax increases) by forming a centrist coalition that backed a simple BBA authored by Coalition member Charlie Stenholm of Texas. Thus some think in the long run The Coalition may be of benefit to House Democrats. Others don't buy this spin and this may be why there are some well known Demo moderates & conservatives who haven't signed up, including Calif.'s Cal Dooley of Visalia and Jane Harman of L.A...

...In addition, The Coalition has competition from the Conservative Democratic Forum, founded by Stenholm in 1980; and from Mainstream, now headed by U.S. Rep. Jim Moran(D-VA), but founded by former Congressman David McCurdy, who now chairs the DLC. The Coalition & Mainstream are open to both Demos & GOPers, whereas CDF is for Demos only. In the 103rd Congress, the CDF had about 55-60 members, including Dooley, who is still a CDFer. Mainstream has about 25 members, down from 50-60 in the 103rd congress. Stay tuned...

FULL METAL JACKET: BATTLE OVER CARRYING OF CONCEALED WEAPONS PITS COPS VS. GUN LOBBY.

Editor's note: The battle over the carrying of **concealed weapons** has been before the CA Legislature before, but in 1995 the police chiefs & sheriffs may be *outgunned* by the gun lobby. Here's a brief update...

...First, forget about the Demo package of bills aimed at banning *Saturday Night Specials* and giving counties & cities authority to enact their own gun control laws. These bills are DOA. Ditto: SB 557 by State Sen. Tom Campbell(R-Palo Alto) to require the licensing of persons to carry shotguns & rifles. The real battle over guns in the 1995-96 Legislative session will be over permits to carry concealed weapons(CCW)...

...The key bill to watch is **not** AB 638 by Assemblyman Pete Knight(R-Palmdale) and Sen. Dick Monteith(R-Modesto), but rather SB 74 by State Sen. Bill Leonard (R-Upland). AB 638 is very similar to the law in Florida, which now allows some 260,000 people to carry concealed weapons. AB 638 would force county sheriffs and police chiefs to hand out thousands of concealed gun permits to individuals. Sources say there will be massive opposition to this bill from law enforcement and the co-authors and the gun lobby know it...

...Insiders are watching Leonard's *compromise bill*. SB 74 would clearly define reasons for issuing CCW permits; establish weapons training requirements; and would increase penalties for carrying concealed weapons without a permit. Sources tell CALPEEK that SB 74 *probably* has the support of SPT Bill Lockyer, as well as the Legislature's chief gun gurus, consultants Bill Cavala & Irwin Nowick...

...Another CCW permit bill to watch is AB 53 by Willard Murray(D-Paramount). It would allow PIs and bodyguards (and others licensed by the Consumer Affairs Dept.) to get CCW permits through that State agency. Sources also say that AB 92 by Dan Hauser (D-Eureka) should be watched because it extends CCW permits from 1-yr. to 3-yrs. Stay tuned...

CAMPAIGN '96: ADDING MORE NAMES TO THE MIX.

Editor's note: Here's another update on who's in and who's out for House & Legislative races in 1996...

- **12th C.D.** - Will veteran Demo U.S. Rep. Tom Lantos of San Mateo will seek reelection in 1996? He had open heart surgery last year and his son-in-law, former Congressman Dick Swett(D-NH), got wiped out in the GOP landslide of '94. In addition, Lantos lost his subcm. chairmanship. If he should retire, popular Assemblywoman Jackie Speier(D-San Mateo) could get elected without much difficulty. But does she want to go to DC -- or does she have other ideas???

- **19th A.D.** - Speier will be forced out of the Assembly by term limits in '96, so there's already a scramble to succeed her. It's a heavy & safe Demo seat, so GOPers need not apply. Top contenders may include Daly City Mayor Madolyn Agrimonti and perhaps San Mateo Co. Supes Mary Griffin and Mike Nevin...

- **21st A.D.** - This is the seat now occupied by Demo Assemblyman Byron Sher of Palo Alto. He's out in '96. The seat *leans Demo* for the right candidate. Two names have surfaced: San Mateo Co. Sup. Ted Lempert, a former Assemblyman who is still eligible for 2 more terms; and Palo Alto Mayor Joe Simitian, who will have backing from U.S. Rep. Anna Eshoo(D-San Mateo) --- if he runs...

SCAG SETS MARCH 2-3 FOR ANNUAL MEETING.

The Southern Calif. Assn. of Govts. will hold its annual General Assembly on March 2-3 at the Doubletree Hotel & Resort, Cathedral City. One of the topics to be discussed will be gaming operations as a possible source of city & county revenues. For info call Irma Chism (213)236-1926...

ROBERT BORK ADDRESSES COMMONWEALTH CLUB

Former judge and legal scholar, The Hon. Robert Bork, will address members of the Commonwealth Club of CA, special dinner program in Oakland, 6:15 p.m. reception, 7 p.m. dinner, Mar. 7, Jewitt Ballroom, Parc Oakland Hotel. For info (415)597-6705...

SHORT ON SIGNATURES? TRY THE DOCTRINE OF SUBSTANTIAL COMPLIANCE. IT'S A 50-50 GAMBLE.

Editor's note: Well, it's happened again. 5th District L.A. City Council candidate Lea Purwin D'Agostino turned in 635 signatures and needed 500 valid names to qualify for the April 11th ballot. The L.A. City Clerk has verified only 380 names, meaning she is some 120 short. Is she finished? Does she have options? How about going to court and using the Doctrine of Substantial Compliance(DSC). Here's a brief report...

...According to sources, the first use of this legal tool was in the 1920s, but it wasn't used in a political setting. Although sources aren't totally sure, it may have been used in a contract case. But in recent times the DSC has been used in a political context - most often in cases where either candidates or committees are required to collect signatures to qualify for the ballot...

...What most often happens is that for different reasons, candidates or committees sometimes come up short on names. And they go into court and claim that they have *substantially complied with the law* and therefore ought to be allowed on the ballot...

...But sources note that going into court and using the DSC is a *gamble* and success or failure often depends on the judge who hears the case. Here are some examples. In early 1994, GOP Assembly candidate Alan Uke was short, went to court using DSC, but the court said sorry. Also in '94, Demo Assembly candidate Ed Foglia used the DSC, but instead of going to court, he went to Acting SOS Tony Miller, who let Foglia on the ballot. Several years ago, incumbent Santa Monica

Councilwoman Delores Press was short only 2 valid signatures. She collected 50 and needed 50. The court said sorry, no dice. In 1993, L.A. city council candidate Warren Furutani was short 67 names, but went to court and proved that the L.A. City Clerk made mistakes and won a spot on the ballot. He lost anyway. So the DSC has a poor-to-mixed track record at best...

...Bottomline: even if a candidate wins a spot on the ballot using DSC, the fact there was a screw-up in the first place often spells doom. In D'Agostino's case, she was allowed to collect up to 1,000 signatures in order to get 500 valid names. Why didn't she collect more names and in a more timely fashion? Stay tuned...

NEW JOBS, ADDRESSES AND PERSONNEL NOTICES.

Editor's note: Here are some items to mark down in your notebook...

- Carol E. Schatz has been named president and CEO of the influential Central City Assn. of Los Angeles. She replaces Don McIntyre, who has been named GM of the Orange Co. Sanitation Districts (effective 3/1)...

- Fundraising consultant Renee Hatchwell opens her own firm - Renee Hatchwell Co., 7862 Oso Avenue, Winnetka, CA 91306. Phone (818)341-3654...

- Lawrence J. Baack, former community & govt. relations mgr. for PG&E, has joined S.F.-based Solem & Associates as a Sr. VP...

- Coby King, former legal counsel to BoE member Brad Sherman, has been hired by Manatt, Phelps & Phillips. Coby will specialize in election & admin. law...

- Former Alameda Co. Sup. Don Perata has opened his own campaign mgt. firm: Perata Engineering, 4235 Piedmont Ave., Oakland, CA 94611. (510)597-8388...

- Durazo Communications have moved to 660 S. Figueroa Street, Ste. 1620, Los Angeles, CA 90017. Phone is (213)239-6555...

- The union printing firm of Croshaw Communications has moved to 1434 E. 33rd St., Long Beach, CA 90807. New phone is (310)989-0075...